

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RICHARD A. DUNSMORE,)	
#06526120,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
VS.)	
)	3:21-CV-0544-G-BN
CHRISTINE KENYON,)	
)	
Defendant.)	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings of fact and conclusions of law recommending that, while the plaintiff Richard A. Dunsmore’s claims appear to be currently barred by the favorable determination rule established by *Heck v. Humphrey*, 512 U.S. 477 (1994), the court should dismiss his claims without prejudice to his filing within a reasonable time, to be set by the court, an amended complaint that cures, where possible, the deficiencies outlined. *See* Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“the Initial FCR”) (docket entry 6).

The plaintiff objected to the Initial FCR, *see* docket entry 8, and moved for a temporary restraining order (“TRO”), *see* docket entry 9. The Magistrate Judge then made findings of fact and conclusions of law recommending that the TRO motion be

denied. *See* Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“FCR Recommending Denial of TRO”) (docket entry 11).

The plaintiff next filed an amended complaint. *See* docket entry 12. The Magistrate Judge has recommended that the court dismiss the plaintiff’s amended claims with prejudice for the reasons explained in the Initial FCR. *See* Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Supplemental FCR”) (docket entry 13).

Thereafter, the plaintiff filed objections to the FCR Recommending Denial of TRO and the Supplemental FCR. *See* docket entries 14, 15.

The district court has reviewed *de novo* those portions of the proposed FCRs to which objections were made and reviewed the remaining proposed portions of each FCR for plain error. Finding no error, the court **ACCEPTS** the three Findings, Conclusions, and Recommendations of the United States Magistrate Judge entered in this case.

SO ORDERED.

April 23, 2021.



A. JOE FISH
Senior United States District Judge